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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,754	11/30/2001	Anthony J. Dezonno	83765	3717
24628	7590	11/03/2004	EXAMINER	
WELSH & KATZ, LTD 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606			LE, KAREN L	
			ART UNIT	PAPER NUMBER
			2642	

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 09/997,754	<b>Applicant(s)</b> DEZONNO ET AL.	
	<b>Examiner</b> Karen Le	<b>Art Unit</b> 2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 July 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is in response to applicant's response filed on July 7, 2004. Claims 1-39 are now pending in the present application. **This action is made final.**

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over McFarlane et al. (U. S. 6,704,410) in view of Scherer (U. S. 6,137,870).

Regarding claims 1, 20, 29, 38 and 39 McFarlane teaches in an automatic call distribution system (fig. 1, item 101) adapted to connect a telephone call of a caller (Fig. 1, item DS1) to an agent station (fig. 1, item 304) through a public switched telephone network (PSTN) (Fig. 1, item PSTN), a method of repopulating call information identifiers received from the PSTN, the method and system comprising the steps of:

Receiving the incoming telephone call from the PSTN, transferring the incoming call to a voice response unit (VRU), requesting, by the VRU, predetermined data from the caller, receiving, by the VRU, the requested predetermined data, routing the transferred call to the agent station (Col. 5, lines 40-50; Col. 9, lines 36-47; Col. 10, lines 1-10).

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McFarlane does not teach overwriting at least a portion of the call information identifiers with data corresponding to the predetermined data, said data defining repopulated data, transfer the incoming telephone call back to the automatic call distribution system from the VRU along with the repopulated data retained within the call information identifiers, routing the transferred call to the agent station, and displaying the repopulated data.

However, Scherer teaches overwriting at least a portion of the call information identifiers with data corresponding to the predetermined data, said data defining repopulated data, transfer the incoming telephone call back to the automatic call distribution system from the VRU along with the repopulated data retained within the call information identifiers, routing the transferred call to the agent station, and displaying the repopulated data (Col. 11, lines 25-50, Col. 26, lines 20-36, and Col. 23-24 lines 49-67 and 1-27). Scherer teaches the collection of information about the caller, to create the "Caller Specific Information" (CSI) or "Caller Specific Account Number" (CSA), need only be done once and may then later be updated from time to time as needed. If any of the caller information changes, only that specific change needs to be updated in the database, which takes far less time than taking the information all over again every time the caller calls (Col. 8, lines 38-48). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Scherer's system to McFarlane's system in order to overwrite ~~by~~ a portion of the call information identifiers with data corresponding to the predetermined data.

Regarding claim 2, McFarlane further teaches the VRU (Fig. 1, item 102) is separate from the automatic call distribution system (Fig. 1, item 101).

Regarding claim 3, McFarlane further teaches the VRU communicates with the automatic call distribution system through the PSTN (Fig. 1 item PTSN, and item IVR).

Regarding claims 4, 21 and 30, McFarlane further teaches a host processor (fig. 1, item 101 or 108) operatively coupled to the VRU (Fig. 1, item 102).

Regarding claims 5-7, McFarlane further teaches a database operatively accessible by VRU that is interactive and programmable so that the predetermined data requested of the caller is capable of being modified (Fig. 1, item 107).

Regarding claims 8, 22 and 31, McFarlane further teaches that VRU is interactive and requests the predetermined data from the caller ((Col. 8, lines 50-59).

Regarding claim 9, McFarlane further teaches the caller provides the predetermined data in response to the request by using a touch-tone keypad (Col. 9, lines 4-8).

Regarding claims 10, 12-15, 23 and 32, McFarlane further teaches the predetermined data is selected from the group consisting of account number, credit card number, social security number, name and address (Col. 9, lines 37-40).

Regarding claims 11, 24 and 33, McFarlane further teaches the VRU is operatively coupled to a voice recognition system (Col. 9, lines 35-40).

Regarding claims 16, 25 and 34, McFarlane further teaches the predetermined data provided by the caller exceeds a storage capacity of the call information identifiers, the repopulated data is in the form of a customer record day corresponding the predetermined data (Col. 10, lines 5-15).

Regarding claims 17, 26 and 35, McFarlane further teaches a host processor operatively coupled to the VRU, the host processor providing the VRU with the customer record key (Fig. 1, item 120).

Regarding claims 18, 27 and 36, McFarlane further teaches a database accessible by the host processor (Fig. 1, item 107).

Regarding claims 19, 28 and 37, McFarlane further teaches the repopulated data in the form of the customer record key provided to the agent station permits the agent station to access customer data corresponding to the customer (Col. 10, lines 5-19).

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 21-30 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

5. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

Hand-delivered responses should be brought to

Crystal Park II, Sixth Floor (Receptionist)

2121 Crystal Drive

Art Unit: 2642


Arlington, VA 22202

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen Le whose telephone number is 703-308-4998. The examiner can normally be reached on Monday - Friday from 8:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

Karen Le  
KLL  
October 27, 2004

  
AHMAD F. MATAR  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2700